

# **EXHIBIT 6**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

<b>ePLUS, INC.,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Civil Action No. 3:09-CV-620 (REP)</b>
	)	
<b>v.</b>	)	
	)	
<b>LAWSON SOFTWARE, INC.,</b>	)	
	)	
	)	
<b>Defendant.</b>	)	

**EXPERT REPORT OF BROOKS L. HILLIARD  
RELATING TO PATENT VALIDITY**

before the filing date of the original application for the patents-in-suit, and (3) an allegedly anticipatory printed publication. Each of these theories is flawed.

205. First, with respect to his opinions concerning an allegedly anticipatory public use of the system, Dr. Shamos fails to rely upon any record evidence suggesting that any specific version of the J-CON system was in public use prior to the August, 1994 filing date of the application resulting in the three patents-in-suit. And, Dr. Shamos has failed to cite any contemporaneous corroborating evidence to suggest that any specific J-CON licensee had such purported system actually in use prior to August, 1994.

206. Based upon my review of documents produced in this litigation, including documents produced by CCI, there is no corroborating evidence of any public use prior to August 10, 1994 of a J-CON system implemented with each of the modules which, based upon Dr. Shamos's opinions, would be necessary to practice every element of each of the asserted claims. *See also* SAP Trial Tr. at 1842:22 – 1844:17 (Staats Cross) (ePLUS 201436-7), in which CCI's founder, Dr Preston Staats, acknowledges that he had no evidence to corroborate such sales.

207. In addition, Dr. Shamos relies upon five separate documents as purportedly supporting his opinion that some unidentified version of the J-CON system was allegedly in public use prior to August, 1994: (1) J-CON Manual Volume 1 dated April 1994 (L0123414-956) describing Point-of-Sale/Total Recall version 35 or higher; (2) J-CON Manual Volume 2 dated April 1994 (L0123957-4584); (3) an undated Point-of-Sale manual (L0124586-888) which relates to the J-CON system but fails to indicate the version to which it relates; (4) an undated Part-Finder manual (L0124889-5034) which also relates to an unspecified version of the J-CON system; and (5) a March 1993 "J-CON/ RDB Guide" (L0125036-221).